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General Assembly

FORTY-FOURTH SESSION

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AD HOC COMMITTEE
3rd meeting
held on
Wednesday, 21 February 1989
at 3 p.m.
New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. ADJOYI (Togo)
(Vice-Chairman)

later: Mr. HOHENFELLNER (Austria)
(Chairman)

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In the absence of the Chairman, Mr. Adjoyi (Togo) took the Chair.

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 14: ADOPTION OF A POLITICAL DECLARATION AND A GLOBAL PROGRAMME OF ACTION (A/S-17/AC.1/L.1 and L.2)

AGENDA ITEM 15: FOLLOW-UP MEASURES FOR THE IMPLEMENTATION OF THE DECISIONS ADOPTED BY THE SPECIAL SESSION (A/S-17/AC.1/L.2)

1. The CHAIRMAN invited the Committee to resume its consideration of the draft global programme of action (A/S-17/AC.1/L.2) at paragraph 59.

Paragraph 59

2. Ms. VERLEZZA (Venezuela) asked what was to become of the heading "Distribution", in the light of the United States amendment to the heading of section 1, which had read "Traffic" in the original version. She proposed the deletion of the words "their own" before the word "domestic" so that the text would read "and eradicate domestic illicit commerce".

3. Mr. AL-JARBAA (Saudi Arabia) raised a question concerning the Arabic version of paragraph 59.

4. The CHAIRMAN said that the Secretariat would take into account the comment made by the representative of Saudi Arabia.

5. Paragraph 59, as orally revised, was adopted.

Section E. Measures to be taken against the adverse impact of money derived from drug trafficking, illegal financial flows and use of the banking system

6. Mrs. WARZAZI (Morocco) requested that the heading of section E should be reconsidered. The word "adverse", in particular, had no place in the text, since one could not talk about the positive or negative impact of drug trafficking. What was being referred to in section E was essentially the laundering of money.

7. Mr. SAPHOS (United States of America) proposed that the words "derived from", which were to be found in the heading of section E and in paragraphs 60, 61, 66 and 67, should be replaced by the words "associated with", so as to cover, in addition to profits derived from drug-related activities, the resources used prior to the transaction itself.

8. The CHAIRMAN said that that change should not create any difficulty.

9. Mr. ROBINSON (Jamaica) said that he could not support the proposal to replace the words "derived from" by the words "associated with" in the heading of section E and in paragraph 60. In the case of a step as drastic as the confiscation of property, the more precision the better. He therefore proposed that the terms from the 1988 Vienna Convention should be used, which would mean inserting in the second

(Mr. Robinson, Jamaica)

line of the heading of section E the words "or obtained directly or indirectly" after the word "derived". The same change should be made in paragraph 60.

10. The CHAIRMAN suggested that the representatives of Jamaica and the United States should consult together and submit a new text for the heading of section E to the Committee.

Paragraph 60

11. Ms. VERLEZZA (Venezuela) requested that the entire title of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, together with the date of the Convention's adoption, should appear in the text.

12. Mr. RASTAM (Malaysia), reverting to section D and the United States amendment to the heading "Traffic", said that it was pointless to lengthen the heading and requested that the United States should withdraw its proposal. The first part of the United States amendment affected only one aspect of drug control, namely the dismantling of the major traffickers' organizations, and the second part repeated the heading of section D.

13. The CHAIRMAN suggested that the Committee should revert to that matter at a more advanced stage of the proceedings.

14. Paragraph 60, as orally revised, was adopted.

Paragraph 61

15. Mr. ITO (Japan) said that caution was required when speaking of an obligation on the part of States to conclude international agreements. He therefore proposed that the words "States shall enter into ... agreements" should be replaced by the words "consideration shall be given by States to entering into ... agreements".

16. Mr. HONG (Singapore) supported the Japanese proposal.

17. Paragraph 61, as orally revised, was adopted.

18. Paragraphs 62, 63, 64, 65 and 66 were adopted.

19. Mr. DAVID (United Kingdom), reverting to paragraph 66, proposed that the words "shall be considered" should be replaced by the words "might be considered" and the words "such instruments should also deal with" should be replaced by the words "such instruments might also deal with".

20. Mrs. WARZAZI (Morocco) endorsed the United Kingdom proposal. She also considered that in the French formulation the word "On" at the beginning of the paragraph was too vague and the wording should be made more precise.

21. The CHAIRMAN said that the Rapporteur would take note of the Moroccan representative's comment.

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Paragraph 67

22. Mr. HONG (Singapore) said that, since paragraphs 67 and 64 were closely connected, he proposed that paragraph 67 should be moved and should become paragraph 65. He also proposed that the text of paragraph 67 should be brought into line with that of paragraph 64 by replacing the words "adopt and enforce laws" by the words "consider enacting legislation".

23. Mr. ITO (Japan) supported the Singaporean proposal. He proposed that in paragraph 67 the words "States shall seek to conclude" should be replaced by the words "consideration shall be given by States to concluding".

24. Mr. HONG (Singapore) supported the Japanese proposal.

25. Mr. SINGER (German Democratic Republic) requested that the full title of the Vienna Convention should appear in the text.

26. Paragraph 67, as orally revised, including the new numbering, was adopted.

Paragraph 68

27. Mr. PAKOWSKI (Federal Republic of Germany) proposed that the words "and national laws" should be inserted in the fourth line of paragraph 68. The text would then read: "giving particular emphasis to principles, rules and national laws".

28. Mr. PAYE (Senegal) would like the text to specify who would consider the measures to be taken on an international level. He would submit new wording to the Committee at a subsequent stage, in order to clarify that question.

29. Mr. SAPHOS (United States of America) said that the answer to the question raised by the representative of Senegal was set out in paragraphs 62 and 63; he suggested either that the original version of the text for the paragraph should be retained or that the following wording should be adopted: "States shall consider measures".

30. Mr. DOUMOU (Morocco) said that paragraph 68 could jeopardize the rights of the individual, the rights of the defendant, and law enforcement investigations. He suggested that it should be reviewed in order to take account of the specific investigations of each country.

31. The CHAIRMAN invited the representative of Morocco to agree on a new text with the representative of Senegal.

32. Paragraphs 69 and 70 were adopted.

Paragraph 71

33. Ms. VERLEZZA (Venezuela) recalled that, at its forty-fourth session, the General Assembly had adopted resolution 44/142, which called for the establishment of a group of intergovernmental experts to undertake a study on the economic and social consequences of illicit traffic in drugs. Accordingly, she suggested that a new paragraph 70 bis with the following wording should be inserted after paragraph 70:

> "States shall be invited to make known their views and put forward suggestions on the framework and the scope of the study to be undertaken by the Group of Intergovernmental Experts on the economic and social consequences of illicit traffic in drugs."

It was logical for that new paragraph to precede paragraph 71, which referred to action to prevent the use of the banking systems and financial institutions for money laundering and to a study on that subject undertaken by the Financial Action Task Force established at the Paris Economic Summit.

34. Mr. Hohenfellner (Austria) took the Chair.

35. Mr. GALAL (Egypt) said that care must be taken not to lengthen the text of the programme of action. Since the new paragraph proposed by the representative of Venezuela did not add anything to General Assembly resolution 44/142, he wished to appeal to her to withdraw her proposal.

36. Ms. VERLEZZA (Venezuela) said that her aim was simply to support United Nations drug-control action, by calling on States to step up their co-operation with the Secretary-General.

37. The CHAIRMAN said that the draft programme of action submitted to the Committee for consideration was the outcome of lengthy consultations between the Bureau and delegations. He therefore suggested that the Committee should retain the framework proposed by the Bureau.

38. Ms. VERLEZZA (Venezuela) said that she was willing to withdraw the change she had suggested. She wished to suggest, however, that at the end of paragraph 71 the words "for consideration" should be replaced by the words "for information".

39. Mr. MORA GODOY (Cuba) said that, while he supported the change proposed by Venezuela, he wished to suggest that the scope of paragraph 71 should be broadened. The paragraph should therefore be reworded so that it read: "All measures and proposals on possible action to prevent the use of the banking systems and financial institutions for money laundering shall be made available to States for information".

40. Mr. PENNAROLA (Italy) said that, as reworded by Cuba, paragraph 71 was too general and therefore meaningless now. The reference in paragraph 71 to the Financial Action Task Force was justified by the fact that the Task Force had been given a mandate and that the conclusions drawn in its study would soon be published.

41. Mr. MORA GODOY (Cuba) said that he did not object to a reference to the study undertaken by the Task Force. His aim was that the paragraph should not refer only to the Task Force's conclusions.

42. The CHAIRMAN invited the Italian, Cuban and Venezuelan delegations to consult with one another with a view to drafting a new text for submission to the Committee.

Section F. Strengthening of judicial and legal systems, including law enforcement

Paragraph 72

43. Mrs. WARZAZI (Morocco) said that the idea expressed in the paragraph was already set out in new paragraph 53 bis proposed by Finland.

44. Mr. GALAL (Egypt) proposed that the text of paragraph 72 should be replaced by the text of paragraph 53 bis.

45. Mr. RASTAM (Malaysia) said that the text proposed by Finland concerned illicit trafficking, whereas paragraph 72 concerned the strengthening of judicial and legal systems. It would be wise to move the text of paragraph 53 bis.

46. The CHAIRMAN said that he agreed with the representative of Malaysia. He read out the new text of paragraph 71 submitted jointly by Cuba and Italy:

> "All measures and proposals to prevent the use of the banking systems and financial institutions for money laundering, such as the conclusions arising from the study undertaken by the Financial Action Task Force established at the Paris Economic Summit, shall be made available to all States for information."

47. Paragraph 71, as orally revised, was adopted.

Paragraph 73

48. Mrs. ROJAS (Costa Rica) suggested that the following text should be inserted in the first line, following the words "United Nations":

> "Strengthening their concerted action and the necessary co-ordination with the African, Asian and Latin American regional institutes, namely, the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, whose headquarters is in Japan, the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, whose headquarters is in Costa Rica, the Arab Security Studies and Training Centre at Riyad, and the Arab Regional Institute for the Prevention of Crime and the Treatment of Offenders at Cairo, which implement programmes designed to strengthen judicial systems and drug control."

The rest of the paragraph remained unchanged.

49. Mrs. WARZAZI (Morocco) expressed appreciation to the representative of Costa Rica for her proposal. However, she recommended shortening the text to be inserted by wording it in the following manner: "African, Asian and Latin American regional institutions concerned" and leaving it to the discretion of the Rapporteur to include the full names of the institutions in the report.

50. The CHAIRMAN suggested that Costa Rica should consult with the delegations of Morocco, the Netherlands, Sweden and other States with a view to submitting a satisfactory proposal.

Paragraph 74

51. Mr. RASTAM (Malaysia) proposed deleting "shall be considered" at the end of the paragraph and beginning the paragraph with "States are invited to give consideration to". Otherwise, the text would remain unchanged.

52. Paragraph 74, as orally revised, was adopted.

53. Paragraph 75 was adopted.

Paragraph 76

54. Mr. ERNER (Turkey) proposed inserting the word "law" before the words "enforcement systems" at the end of the second line of the English text.

55. Paragraphs 76, 77, 78 and 79 were adopted.

Paragraph 80

56. Mrs. WARZAZI (Morocco), supported by Mrs. SILLA LINGAYA (Madagascar), said that her delegation had reservations concerning the establishment of an international criminal court. The proposal should be considered very carefully because of the problems which might arise from the establishment of such an institution.

57. The CHAIRMAN expressed appreciation to the representative of Morocco for not reopening the debate on that question, which had already been discussed at length, and said that the reservations of Morocco and Madagascar would be duly noted.

Paragraph 81

58. Mr. SINGER (German Democratic Republic) proposed that in the interest of consistency with the terminology used in the Convention, the word "narcotics-related" should be replaced by the word "drug-related" in the last line of paragraph 81 and the word "anti-narcotics" should be replaced by "anti-drug" in the first line of paragraph 82.

59. Paragraph 81, as amended by the German Democratic Republic, was adopted.

Paragraph 82

60. Mr. PAYE (Senegal) said that the word "On" at the beginning of the French version of paragraph 82 was too vague and that the paragraph did not specify where the proposed register would be located. He suggested rewording the first line of the paragraph as follows: "The Division of Narcotic Drugs shall consider establishing and maintaining in its offices a register of anti-drug ..." The second line would remain unchanged.

61. Mr. RAMOS GALINO (Director of the Division of Narcotic Drugs) said that the Division had already begun to establish such a register and that the proposal was therefore acceptable.

62. Mr. VAN ITERSON (Netherlands) noted that the proposal changed the meaning of the paragraph. The question should be considered in greater depth.

63. Mrs. WARZAZI (Morocco) said that it was necessary to know who would be responsible for establishing the register. Without specifying the Division of Narcotic Drugs, the text could say that the United Nations would designate, at the appropriate time, a body responsible for the register.

64. Mr. ROBINSON (Jamaica) agreed that the proposal was vague and that the task could indeed be entrusted to the Division of Narcotic Drugs, but that the final decision rested with the General Assembly. Therefore, the Division of Narcotic Drugs should not be expressly mentioned.

65. The CHAIRMAN proposed that Senegal, the Netherlands and Jamaica should hold consultations on the matter.

Section G. Measures to be taken against the diversion of arms and explosives and illicit traffic by vessels and aircraft

66. Mr. ERNER (Turkey) proposed substituting "by vessel, aircraft or vehicle" for "by vessels and aircraft" and amending paragraph 84 accordingly.

67. The title of section G, as orally revised by the representative of Turkey, was adopted.

Paragraph 84

68. Mr. ERNER (Turkey) recalled that the words "vessels and aircraft" in the third line should read "vessels, aircraft and vehicles".

69. Paragraph 84, as orally revised, was adopted.

Paragraph 85

70. Paragraph 85 was adopted.

Paragraph 86

71. Mr. ERNER (Turkey) proposed amending the paragraph to read as follows: "Alarmed at the growing link between illicit traffic in narcotic drugs and mercenary, subversive and terrorist activities, prompt measures shall be taken on the prevention of such illegal activities."

72. Mr. RANDRIAMALALA (Madagascar) said that he agreed with the general thrust of the proposed amendment, but felt that it should be more specific about the authorities or entities which would be authorized to take the measures in question.

73. Mr. KHONJE (Malawi) said that it would be preferable to retain the original text and to delete the word "illegal" before "activities" in the first line.

74. Mrs. WARZAZI (Morocco) supported the proposal by the representative of Malawi.

75. Mr. DAVID (United Kingdom) said he agreed with the text as revised by the representative of Turkey. However, since all mercenary activities were not necessarily illegal, the word "such" before "illegal activities" at the end of the amendment might be deleted.

76. The CHAIRMAN asked the representative of Turkey to consult with the other speakers with a view to proposing a text which reconciled the views expressed.

Paragraph 87

77. Paragraph 87 was adopted.

Section H. Resources and structure of drug-related activities

78. Mr. KRENKEL (Austria) proposed changing the title to "Resources and structure".

79. The title of section H, as orally revised, was adopted.

Paragraph 88

80. Paragraph 88 was adopted.

Paragraph 89

81. Mr. ADJOYI (Togo) said that after consulting with a number of delegations which had made statements concerning paragraph 89, it had been decided that the paragraph must be read in conjunction with paragraph 7. The two paragraphs had therefore been redrafted as follows: the words "and the General Assembly, at its forty-fifth session, is invited to take appropriate action in this regard in accordance with the existing procedures" should be added at the end of paragraph 89, and the words "without prejudice to the existing procedures" should be added after the phrase "In adopting the Global Programme of Action," in the first line of paragraph 7.

82. Ms. TESSEMA (Kenya) suggested deletion of the word "higher" before the word "priority" at the beginning of the text.

83. The CHAIRMAN said that the text as orally revised had been the subject of intensive consultations among the delegations concerned.

84. Ms. TESSEMA (Kenya) agreed to withdraw her amendment.

85. Paragraphs 7 and 89, as orally revised, were adopted.

Paragraph 90

86. Paragraph 90 was adopted.

Paragraph 91

87. Mr. MORA GODOY (Cuba) proposed that the paragraph should end with the reference to General Assembly resolution 44/141, because what followed did not appear in that resolution.

88. Mr. JOSEPH (Australia) said he favoured retaining the paragraph as it stood, because the words whose omission had been requested reproduced virtually word for word what had been agreed upon in Vienna in the Commission on Narcotic Drugs.

89. Mr. MORA GODOY (Cuba) replied that he was unaware of that, and by way of compromise he proposed the addition, after the reference to General Assembly resolution 44/141, of the sentence: "The recommendations worked out in the Commission on Narcotic Drugs shall be examined by the Economic and Social Council within the framework of the restructuring of the economic and social sectors."

90. Mr. SUNDBERG (Sweden) said he agreed with the representative of Australia and noted that the General Assembly had asked the Commission on Narcotic Drugs to report on that matter at the special session of the General Assembly.

91. The CHAIRMAN asked the representatives of Cuba, Australia and Sweden - as well as those of Norway, Italy, Morocco and Finland, who also wished to speak on that paragraph - to consult with each other and to propose a new text.

Paragraph 92

92. Mr. ERNER (Turkey) proposed that, in the sixth line, the words "demand reduction" should be replaced by "reduction of illicit demand".

93. Mr. ETUKET (Uganda) proposed that, in the same line, the word "equitable" should be deleted.

94. Paragraph 92, as orally amended by the representatives of Turkey and Uganda, was adopted.

Paragraph 93

95. Paragraph 93 was adopted.

Paragraph 94

96. Paragraph 94 was adopted.

Paragraph 95

97. Mr. ETUKET (Uganda) proposed a grammatical change in the English text: in the second line, after the word "progress", "of" should be replaced by "on".

98. Paragraph 95, as orally amended, was adopted.

Paragraph 96

99. Mr. GALAL (Egypt) proposed that the words "from both developed and developing countries" should be replaced by the words "from different regions of the world".

100. Mr. ETUKET (Uganda) proposed two changes: in the first line, the words "Member States" should be replaced by the words "General Assembly". In the sixth line, the words "and report thereon to the General Assembly" should be added after the word "elaboration".

101. Mr. VAN ITERSON (Netherlands) said he did not understand the reason for the two amendments proposed by the representative of Uganda.

102. The CHAIRMAN said that he did not see the reason for the first amendment proposed by the representative of Uganda.

103. Mr. ETUKET (Uganda) explained that the appointment of the experts envisaged in paragraph 96 was an important matter and there was a need to ensure that all Member States would be consulted, which would be the case if there was a reference to the General Assembly, as he had proposed.

104. Mr. SUNDBERG (Sweden) felt that the original text, which provided for the consultation of Member States in any case, should be retained. Moreover, to consult the General Assembly would normally mean waiting until the forty-fifth session.

105. The CHAIRMAN invited the delegations concerned to consult with each other about that paragraph.

Paragraph 97

106. Paragraph 97 was adopted.

Paragraph 98

107. Mr. KHONJE (Malawi) asked why 26 June had been selected as the date for observing the International Day against Drug Abuse and Illicit Trafficking.

108. Mr. OLEINIK (Ukrainian Soviet Socialist Republic), Rapporteur, said that that date had been designated by the General Assembly in resolution 42/112.

109. Mr. RASTAM (Malaysia) proposed that the words "as proclaimed by the General Assembly in its resolution 42/112" should be inserted after "26 June".

110. Paragraph 97, as orally amended, was adopted.

111. The CHAIRMAN invited the Committee to return to the paragraphs left pending in order to enable the delegations to agree on a new formulation.

Paragraph 1

112. The CHAIRMAN read out in Spanish the text of the amendments to paragraph 1 proposed by the Argentine delegation. In the third line, after the words "psychotropic substances", it proposed the addition of the words "and the lack of control over essential chemicals and profits from drug traffic". In the last sentence, the words "international solidarity and" should be added before the words "the concerted".

113. Mr. DAVID (United Kingdom) said that formulation "and lack of control" presented difficulties for his delegation. He asked the Chairman to allow him to consult the Argentine delegation again.

114. The CHAIRMAN said that the Committee would therefore return to that paragraph later.

Paragraphs 38 and 39

115. Mr. KRENKEL (Austria) said that a consensus appeared to have emerged with respect to a new formulation of paragraph 38. In the second line of the text, the word "directly" should be deleted. In the fourth line, following the words "might be strengthened", the words "in order to support and strengthen the implementation, by competent national authorities, of effective anti-narcotic programmes" should be inserted.

116. In the third line of subparagraph (b), the word "most" should be deleted. In the fourth line, the word "licit" should be inserted after "traditional". In the first line of paragraph 39, the word "directly" should be deleted. Also, in the third line, the words "in order to support and strengthen the implementation, by competent national authorities, of effective anti-narcotic programmes" should be inserted after "strengthened".

117. Mr. BABAJAN (Union of Soviet Socialist Republics) said that he would appreciate clarification of the word "licit", which the representative of Austria was proposing to insert in paragraph 38 (b). Referring to paragraph 49 of the Single Convention on Narcotic Drugs of 1961, he noted that the Convention envisaged only four licit uses of narcotic drugs. The proposed formulation thus appeared to contradict the text of the Convention.

118. Mr. KRENKEL (Austria) explained that the sponsors of the proposed amendment had simply sought to harmonize the text of the paragraph with that of article 14, paragraph 2, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, in which it was expressly stated that "The measures adopted shall ... take due account of traditional licit uses".

119. Mr. BABAJAN (Union of Soviet Socialist Republics) said that, in order not to prolong the debate, his delegation was willing to accept the paragraph as proposed by the Austrian delegation. Nevertheless, it maintained its position, that the paragraph was contrary to the Single Convention on Narcotic Drugs of 1961.

120. The CHAIRMAN assured the representative of the USSR that his reservations would be duly reflected in the summary record of the meeting.

Section E. Measures to be taken against the adverse impact of money derived from drug trafficking, illegal financial flows and use of the banking system

121. Mrs. WARZAZI (Morocco) proposed that the word "adverse" should be deleted and the word "illicit" inserted after "derived from". Section E would thus read: "Measures to be taken against the impact of money derived from illicit drug trafficking, illegal financial flows and use of the banking system".

122. The CHAIRMAN announced that the representatives of the United States and Jamaica were proposing a new version of the title of section E, which would read: "Measures to be taken against the effects of money derived from, used in or intended for use in illicit drug trafficking ..."; the rest of the title should remain unchanged and paragraphs 60, 61, 66 and 67 should be amended accordingly.

Paragraph 68

123. The CHAIRMAN said that the Senegalese and Moroccan delegations were proposing a new version of paragraph 68, which would read:

> "The Division of Narcotic Drugs, in collaboration with INTERPOL, shall give consideration to measures on an international level, including the feasibility of a United Nations facility to strengthen the gathering, collation and exchange of information on the financial flow from drug-related funds, with emphasis on the protection of ongoing law enforcement investigations, the independence of the judiciary and individual rights, especially with regard to automatic processing of personal data."

124. Mr. VAN ITERSON (Netherlands) said that the paragraph had been changed considerably relative to the initial version and he would like to consult with the delegations that had proposed the amendment.

125. Mr. ROBINSON (Jamaica) said that his delegation would have liked to participate in the consultations on that paragraph, to which it attached great importance.

126. Mr. PAKOWSKI (Federal Republic of Germany) said that he was not in agreement with the new formulation proposed by the representatives of Senegal and Morocco because it did not take into account the amendment that he had proposed to the initial version.

127. The CHAIRMAN invited the representative of the Federal Republic of Germany to consult with the sponsors of the new amendment and with other interested delegations in order to arrive at a consensus on a new text.

Paragraph 73

128. Mrs. ROJAS (Costa Rica) said that, following consultations held with the delegations of Egypt, Japan, Morocco, the Netherlands, Singapore, and Sweden, it was proposed that, in the first line, the phrase "strengthening their action in co-ordination with the regional institutes of the United Nations with a mandate in this sphere" should be inserted after the words "United Nations".

129. Paragraph 73, as orally amended, was adopted.

Paragraph 82

130. Mr. VAN ITERSON (Netherlands) said that, following consultations among several delegations, it had been proposed to amend paragraph 82 by inserting the words "under the supervision of the Division of Narcotic Drugs" after the word "services".

Paragraph 86

131. Mr. ERNER (Turkey) read out the text of the proposed new version of the paragraph: "Alarmed at the growing link between illicit trafficking in narcotic drugs and illegal mercenary, subversive and terrorist activities, prompt measures should be taken on the prevention of these activities."

132. Mr. GALAL (Egypt) said that the formulation was not acceptable in the sense that mercenary activities were illegal by definition.

133. Mr. KRENKEL (Austria) referred the representative of Egypt to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which specified that, in certain cases, mercenary activities could be considered as legal.

134. The CHAIRMAN said that the adjective "illegal" did no more than highlight the character of the activities in question.

135. Miss BOUMAIZA (Algeria) proposed replacing the word "illegal" by the word "harmful".

136. The CHAIRMAN suggested that the representative of Austria should carry out consultations with the delegations of Algeria, Egypt and Turkey and other interested delegations in order to draft a consensus text.

Paragraphs 95 and 96

137. Mr. ETUKET (Uganda) said that a minor change had been made to the end of paragraph 95, which should read: "and the Secretary-General should report annually to the General Assembly on all the activities relating to the Global Programme of Action".

138. In paragraph 96, the word "all" should be inserted after the words "in consultation with" and the words "from both developed and developing countries" should be replaced by "from various regions of the world".

The meeting rose at 6.10 p.m.

UNITED NATIONS

General Assembly

SEVENTEENTH SPECIAL SESSION

Official Records

AD HOC COMMITTEE
Fourth meeting
held on
Wednesday, 21 February 1990
at 6 p.m.
New York

SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. HOHENFELLNER (Austria)

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AGENDA ITEM 14: ADOPTION OF A POLITICAL DECLARATION AND A GLOBAL PROGRAMME OF ACTION

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The meeting was called to order at 6.10 p.m.

AGENDA ITEM 14: ADOPTION OF A POLITICAL DECLARATION AND A GLOBAL PROGRAMME OF ACTION (A/S-17/AC.1/L.2)

Draft global programme of action proposed by the Bureau of the Ad Hoc Committee (A/S-17/AC.1/L.2)

Paragraph 1

1. Mr. DAVID (United Kingdom) read out the proposed text of paragraph 1 resulting from discussions among the representatives of Jamaica, Morocco, the Netherlands, his own country, the German Democratic Republic and Senegal: "The international community confronts a dramatic problem of drug abuse and the illicit cultivation, production, processing, distribution and trafficking of narcotic drugs and psychotropic substances, insufficiently effective controls over or monitoring of chemical precursors and monitoring of the economic benefits of drug trafficking. States are not in a position to deal with this scourge individually. Therefore, international solidarity and concerted, collective and simultaneous action by the international community are required."

2. Mr. DZJUBENKO (Union of Soviet Socialist Republics) suggested that the words "chemical precursors" should be replaced by "specific chemical substances".

Paragraph 55

3. Mr. DZJUBENKO (Union of Soviet Socialist Republics) read out a proposed text for paragraph 55: "Interested States may consider, in conformity with international law and the Charter of the United Nations, the possibility of jointly establishing border inspection checkpoints with a view to suppressing the illicit transboundary movement of narcotic drugs and psychotropic substances, without affecting the national sovereignty or territorial integrity of States".

Paragraph 68

4. Mr. BROWNING (United States of America) read out a proposed text for paragraph 68 resulting from consultations among the representatives of his country, Jamaica, the Netherlands, the Federal Republic of Germany and Senegal: "States shall consider the possibility of measures on an international level, including the feasibility of a United Nations facility to strengthen the gathering, collation and exchange of information on the financial flow from drug-related funds, giving particular emphasis to principles, rules and international legislation on the protection of ongoing law enforcement investigations and of individuals with regard to automatic processing of personal data".

Paragraph 86

5. Mr. ERNER (Turkey) read out the proposed text: "Alarmed by the growing link between illicit traffic in narcotic drugs, illegal activities of mercenaries and subversive and terrorist activities, measures shall be taken by States on their prevention".

Paragraph 91

6. Mr. JOSEPH (Australia) read out the proposed text of paragraph 91 resulting from discussions among the representatives of his country, Cuba and the United Kingdom: "Intensification of efforts at the national level and increased intergovernmental co-operation require a commensurate strengthening of the United Nations drug control organs and their secretariats. Against this background, the functioning of the International Narcotics Control Board and its secretariat, the Division of Narcotic Drugs and the United Nations Fund for Drug Abuse Control need to be reviewed and assessed in accordance with the mandate given to the Secretary-General by the General Assembly in paragraph 4 of its resolution 44/141, for the purpose of identifying alternative structural possibilities, the end result being the establishment of a stronger, more efficient United Nations drug control structure with enhanced status, with a report to be made to the General Assembly at its forty-fifth session".

Draft political declaration proposed by the Bureau of the Ad Hoc Committee (A/S-17/AC.1/L.1)

Fourth preambular paragraph

7. Mr. ERNER (Turkey) suggested adding the word "illicit" before the word "consumption".

8. Mr. RANDRIANAME (Madagascar) pointed out that the second line of the French text of the fourth preambular paragraph used the expression "le trafic de drogues illicites", which might be misleading. It would be better to use the expression "le trafic illicite de stupéfiants et de substances psychotropes".

Fifth preambular paragraph

9. Mr. MORA GODOY (Cuba) suggested that the words "non-threat or use of force in international relations" should be added in the last line after the word "States".

10. Mr. GRAHAM (United States of America) said he would prefer to know all the amendments which the Cuban delegation wished to introduce before deciding on that particular amendment.

11. The CHAIRMAN said that there was no reason the Committee should not take up each amendment when the paragraph concerned was discussed, in order to save time.

Sixth preambular paragraph

12. Mr. ERNER (Turkey) suggested that, to keep the wording of the sixth preambular paragraph in line with the Global Programme of Action, the words "and that Convention" should be inserted before the words "as amended by the 1972 Protocol".

Ninth preambular paragraph

13. Mrs. WARZAZI (Morocco) said it was not only the fight against drugs but also the abuse of drugs that had high human political, economic and social costs. She suggested that the concept of drug abuse should be added to the ninth preambular paragraph.

14. Mr. MORA GODOY (Cuba) suggested a new paragraph to be added after the ninth preambular paragraph, reading as follows: "Conscious that international co-operation for the development of the developing countries should be strengthened, allowing all countries to participate more fully in an effective fight against the drug problem".

15. Mr. VAN ITERSON (Netherlands) suggested the addition of a new paragraph after the ninth preambular paragraph, reading: "Recognizing the links between drug abuse and a wide range of adverse health consequences, including the transmission of HIV infection and the spread of AIDS".

Tenth preambular paragraph

16. Mrs. BARROS (Brazil) said she was not satisfied with the expression "reaching beyond national borders" in the tenth preambular paragraph. She proposed the substitution of the expression "which may reach beyond national borders".

17. Mr. GALAL (Egypt) disagreed with the wording suggested by the Brazilian delegation, since the expression "which may reach" suggested the future, while "reaching" referred to an actual problem. He would prefer to retain the original wording.

18. Mrs. BARROS (Brazil) suggested that the expression "reaching beyond national borders" should be deleted, and that the words "at the national, regional and international levels" should be inserted after "concerted action" in the third line of the tenth preambular paragraph.

19. The CHAIRMAN read out a new draft of the tenth preambular paragraph, the result of consultations between the delegations of Brazil, Egypt and Morocco: "Recognizing also that illicit trafficking in narcotic drugs and psychotropic substances is a criminal activity and that its suppression requires a higher priority and concerted action by all States at the national, regional and international levels, including rapid ratification and accession to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,".

Eleventh preambular paragraph

20. Mr. KHONJE (Malawi) proposed eliminating in the eleventh preambular paragraph the words "and wealth", because the concept of wealth did not in itself have negative connotations and because the phrase "the large financial profits ... derived from illicit drug trafficking" sufficed to convey the idea of illicit gain.

Twelfth preambular paragraph

21. Mr. KIBIDI (Zaire) said that he did not consider it proper to use the expression "geographical location" in reference to the developing countries and would prefer substituting for it the term "economic situation".

22. Mr. MORA GODOY (Cuba) said that the geographical location of every country had a bearing on the drug-trafficking control policy that it could adopt, and he would like the original term retained. However, in view of the fact that economic situation was another factor affecting a country's policy, he believed that too should be mentioned in the paragraph.

23. Mr. DAVID (United Kingdom) observed that a better formulation would be "their geographical location or their economic situation".

24. Mr. PAYE (Senegal) said that he did not think it appropriate to refer to the developing countries but rather to speak in general terms about geographical location or economic situation.

Sixteenth preambular paragraph

25. Mr. ETUKET (Uganda) said that the wording of the sixteenth preambular paragraph should be brought into line with that of paragraph 91 of the Global Programme of Action just adopted by the Committee, and thus the phrase "in accordance with existing procedures" should be inserted after the words "international community".

26. Mr. KRENKEL (Austria) said that he believed such an amendment would be pointless because the action referred to in paragraph 91 was to be taken at the national level and no procedures at all existed at the international level. The draft was referring not to the United Nations but to the international community.

27. Mr. ETUKET (Uganda) replied that it was precisely the vagueness of the wording that made it difficult to understand the text.

Paragraph 5

28. Mr. MARTIN (United Kingdom) proposed inserting the words "health, social," after the word "economic," in paragraph 5.

29. Mr. BELLINA (Peru) said that in the Spanish version of paragraph 5, in order to amend the text as proposed by the United Kingdom, the words "en los sectores" should be added in the fourth line after the word "cooperación", so that the text would read "en los sectores económico, sanitario, social, judicial y policial".

Paragraph 6

30. Mr. LESTELLE (Argentina) proposed that, in paragraph 6 the words "and rehabilitation" after the word "treatment" should be replaced by the words ", rehabilitation and social reintegration".

31. Mr. SINGER (German Democratic Republic) proposed that the words "and psychotropic substances" should be inserted after the words "narcotic drugs" in paragraph 6.

Paragraph 8

32. Mr. LEVITSKY (United States of America) proposed that the words "illicit drug trafficking" in paragraph 8 should be replaced by "illicit drug production, trafficking and consumption".

33. Mr. KHONJE (Malawi) proposed that the words "and strengthened" should be added at the end of the paragraph after the word "increased".

Paragraph 9

34. Mr. MORA GODOY (Cuba) proposed that the word "unrelated" should be deleted from the last line of paragraph 9. He also proposed that a new paragraph 10 should be inserted, reading: "We shall promote international co-operation which would contribute to a favourable international climate in the fight against drug abuse and illicit drug trafficking, and abstain, in conformity with the provisions of the Charter of the United Nations, from the use and the threat of use of force in international relations during anti-drug operations that would endanger the life of citizens and properties of other sovereign States;".

35. The CHAIRMAN, reminding the Committee that consensus had to be reached, asked the representative of Cuba if he insisted on those amendments.

36. Mr. MORA GODOY (Cuba) said that the fight against drugs must be governed by the principles of international law and the principles set out in the United Nations Charter, namely, non-interference in the internal affairs of States and respect for their territorial integrity. In addition, the principle, likewise set out in the Charter, that States should refrain from the threat or use of force in international relations should also prevail in the fight against drugs. There could be no justification for violating those principles. To facilitate consensus, his delegation had decided not to insist on the amendment that it would have liked to make to paragraph 9. Nor would it insist that the new paragraph 10 which he had just proposed should be inserted.

Paragraph 10

37. Ms. DU Yong (China) proposed that the word "illicit" should be inserted before the word "demand" in paragraph 10.

Paragraph 12

38. Mr. MARTIN (United Kingdom) said that a drafting error had been made in paragraph 12. The phrase "our efforts in the field of health education and public information" should read "our efforts in the fields of health, education and public information".

39. Ms. DU Yong (China) said that in this paragraph as well the word "illicit" should be added before the word "demand".

Paragraph 13

40. Mr. ETUKET (Uganda) said that "and other commodities for export" should be added after "of such crops" in the fifth line of paragraph 13. The aim was to provide incentives to developing countries, such as the marketing of other new crops and of existing commodities for export.

41. Mr. MARTIN (United Kingdom) said that it had been very difficult to reach a consensus on that paragraph and it would therefore be best to adopt it as originally worded.

42. Miss BOTERO (Colombia) said that following consultations, the delegations of Uganda and the United Kingdom had proposed amending paragraph 13 by changing "facilitation of efficient marketing of such crops" to "facilitation of appropriate efficient marketing".

43. The CHAIRMAN read out the proposed new text of paragraph 13, which was the result of consultations held by a number of delegations: "We urge the international community to increase economic and technical co-operation to developing countries and to facilitate trade flows in support of viable alternative income schemes, such as crop substitution programmes, by means of integrated rural development strategies, including facilitation of appropriate efficient marketing and sound economic policies, so as to eliminate illicit cultivation and production of narcotic drugs;".

Paragraph 15

44. Mr. SINGER (German Democratic Republic) said that many chemicals could be used in the production of narcotic drugs. The word "specific" should therefore be deleted from the second line of paragraph 15. In the third line of the same paragraph, the word "illicit" should be inserted before "manufacture" in order to be consistent with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted in 1988.

Paragraph 20

45. Mr. KHVOSTOV (Byelorussian Soviet Socialist Republic) said that in the Russian text, the translation should be changed so that it would correspond to the word "accede" in the first line of paragraph 20 of the English text.

Paragraph 23

46. Mrs. WARZAZI (Morocco) proposed that the words "without prejudice to the priorities established" should be inserted at the end of paragraph 23.

47. Mr. GRAHAM (United States of America) said that the paragraph had raised many difficulties and extensive consultations had been held in order to reach an agreement on the wording.

48. Mr. RASTAM (Malaysia) said that in the paragraph under consideration, the list of international measures to combat drugs must be compatible with the list which appeared under the relevant section of the Programme of Action. Therefore, mention should be made of all areas in which drug control measures would be implemented. His delegation joined the delegation of the United States in objecting to the Moroccan proposal.

49. Mr. GALAL (Egypt), supporting the proposal by the representative of Morocco, said that it would not represent a significant change, as the priorities would remain the same.

50. Mr. JOSEPH (Australia) reminded the delegations of Egypt and Morocco that the text of paragraph 23 had been drafted taking into account the text of the Programme of Action, which had been discussed by the Working Group in the morning. He therefore proposed that the wording of the Programme of Action should be used in the paragraph, in other words that the phrase "in accordance with existing procedures" should be inserted after the words "programmes of work" in the third line.

51. Mr. PAYE (Senegal) said that the Declaration before the Committee was the most appropriate document for a statement of the kind being discussed and, therefore, his delegation objected to deleting the paragraph.

Paragraph 24

52. Mr. ETUKET (Uganda) said that the words "medium-term" in the second line of paragraph 24 should be deleted, since at no point had a time frame for the plan been mentioned.

Paragraph 26

53. Mr. KHONJE (Malawi) said that the words "and status", at the end of the paragraph, should be deleted.

54. Mr. JOSEPH (Australia) said that there had been a consensus on the paragraph in the Working Group and that it was not the time to introduce changes.

Paragraph 27

55. Mr. SUGANO (Japan) said that the words "a higher", in the first line of paragraph 27, should not be used. His delegation was certainly aware of the importance of the programme but, currently, a higher proportion of financial resources could not be requested. The text should be changed to read: "We decide that a high proportion of financial and human resources shall be made available for United Nations activities ...".

56. Mrs. WARZAZI (Morocco), supported by the representative of the Soviet Union, said that it had obviously been agreed that additional activities would be carried out and, therefore, additional resources would be needed in order to implement them. In the French text, the word "affectée" in the second line of the paragraph should be changed to "fournie".

57. Mr. SUNBERG (Sweden) joined the representatives of Morocco and the Soviet Union in objecting to the Japanese propopsal. In fact, the text constituted nothing more than declaratory language.

58. Mr. GALAL (Egypt) proposed that the entire paragraph should be deleted, since it was a political declaration with budgetary implications.

59. Mrs. WARZAZI (Morocco) objected to the proposal.

60. Mr. SUGANO (Japan), replying to the Chairman's question as to whether his delegation would be opposed to adopting the paragraph as originally worded, said that he had instructions from his Government to propose that the matter should be dealt with in the Fifth Committee, in the context of the budgetary debates.

61. The CHAIRMAN reiterated that it was a political declaration and not a programme of action.

62. Mr. GALAL (Egypt) proposed, as a compromise measure, that the phrase "in accordance with existing procedures and" should be added after the words "drug abuse control,".

63. Ms. BOUMAIZA (Algeria) proposed that paragraph 27 should be entirely reworded as follows: "We recognize the necessity of increasing the financial and human resources available for United Nations activities in the area of drug abuse control, bearing in mind the Organization's additional responsibilities in that regard;".

64. The CHAIRMAN said that the Special Committee had thus concluded its consideration of document A/S-17/AC.1/L.1.

The meeting rose at 9 p.m.

UNITED NATIONS

General Assembly

FORTY-FOURTH SESSION

Official Records

AD HOC COMMITTEE
5th meeting
held on
Friday, 23 February 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. HOHENFELLNER (Austria)

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ADOPTION OF THE REPORT OF THE AD HOC COMMITTEE

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The meeting was called to order at 10.20 a.m.

ADOPTION OF THE REPORT OF THE AD HOC COMMITTEE (A/S-17/AC.1/L.3)

1. Ms. KAMAL (Secretary) said that the Global Programme of Action that the Ad Hoc Committee would recommend to the General Assembly for adoption included important new activities which would require considerable additional resources, the exact amount of which could not be determined for the time being. The Secretary-General intended to make a thorough assessment of the scope of those activities and to determine, in an appropriate manner, the most efficient and expeditious way of implementing them, as well as the resources that would be required, for inclusion in the United Nations system-wide action plan on drug abuse control. In accordance with General Assembly resolution 44/141, that plan would contain a realistic cost estimate for its implementation and would be considered by the Committee for Programme and Co-ordination at its May session and, subsequently, by the Economic and Social Council.

2. The additional resources required to implement the plan in the period 1990-1991 would be subject to the criteria for the use of the Contingency Fund, in accordance with existing programme budget procedures. Under the 1992-1993 biennium, additional needs would be met in the context of the proposed budget for the biennium 1992-1993, also bearing in mind the fact that in paragraph 7 of the Global Programme of Action, the General Assembly said that it fully expected high priority to be given to the corresponding resources in the medium-term plan for the period 1992-1997 and in the programme budget for the biennium 1992-1993.

3. Mr. OLEINIK (Rapporteur), introducing the draft report of the Ad Hoc Committee (A/S-17/AC.1/L.3), said that paragraph 12 contained the recommendations which the Ad Hoc Committee would make to the General Assembly in accordance with established practice.

4. The CHAIRMAN drew the Committee's attention to the Global Programme of Action on pages 8 to 23 of the report.

5. Mr. YBAÑEZ (Spain) said that paragraph 22 of the Global Programme did not incorporate the proposal made at an earlier meeting to amend the text to read "... available to all countries, in particular, to developing countries ...".

6. Mr. RANDRIANAME (Madagascar) proposed that the word "directly" should be deleted before the word "affected" in subparagraphs (a) and (c) of paragraph 39 to bring the text into line with paragraph 38 and paragraph 39 itself, which had been amended at an earlier meeting.

7. Mr. DAVID (United Kingdom), referring to the new text of paragraph 93 which incorporated an amendment proposed by the delegation of Cuba, said that in his delegation's view the paragraph as it now stood could rather tie the hands of the international community in reviewing the recommendations of the group of experts and their consequences for the Commission on Narcotic Drugs. He therefore proposed

(Mr. David, United Kingdom)

that the words "the International Narcotics Control Board and its secretariat, the Division of Narcotic Drugs and the United Nations Fund for Drug Abuse Control" should be replaced by the words "the United Nations structure for drug abuse control".

8. Mr. YBAÑEZ (Spain) said that at the end of the Spanish version of paragraph 93, it must be made absolutely clear who was to make a report to the General Assembly.

9. The CHAIRMAN drew the Committee's attention to the Political Declaration on pages 3 to 8 of the report.

10. Mr. RANDRIANAME (Madagascar) proposed that in the French version of the fifth preambular paragraph of the Declaration, the words "volonté résolue" should be replaced by the word "détermination".

11. Miss BOUMAIZA (Algeria) asked the Secretariat to make sure that the Arabic, English and French versions of paragraph 27 of the Political Declaration were consistent with each other.

12. The CHAIRMAN said that, if he heard no objection, he would take it that the Ad Hoc Committee decided to adopt its report and the Political Declaration and Global Programme of Action annexed to it (A/S-17/AC.1/L.3), as orally amended.

13. It was so decided.

14. The CHAIRMAN expressed satisfaction at the work done, which made it possible for States Members of the United Nations to send a strong message to the peoples of the world affected by the illicit demand, production, supply, trafficking and distribution of drugs and to show all those guilty of drug-related crimes that the international community had taken important measures of international co-operation to combat that scourge.

15. After the customary exchange of courtesies, the CHAIRMAN declared closed the session of the Ad Hoc Committee of the Seventeenth Special Session of the General Assembly.

The meeting rose at 11.10 a.m.